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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 50th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 April 1996, at 6 p.m.

Chairman:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)
later:	Mr. MBA ALLO (Vice-Chairman)	(Gabon)

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(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

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In the absence of Mr. Vergne Saboia (Brazil), Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

The meeting was called to order at 6.05 p.m.

RIGHTS OF THE CHILD, INCLUDING:

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(agenda item 20) (E/CN.4/1996/98-102, 110 and Add.1, 121 and 132; E/CN.4/1996/NGO/33, 39, 42 and 72; A/50/537; E/CN.4/Sub.2/1995/29 and Add.1)

1. Mrs. CALCETAS-SANTOS (Special Rapporteur on the sale of children, child prostitution and child pornography), introducing her report (E/CN.4/1996/100), said that her first concern in tackling the three areas of her mandate had been to avoid duplication of other United Nations initiatives. During the first year of that mandate, she had deliberately refrained from undertaking any field missions, concentrating instead on a preliminary country-by-country assessment of the issues.

2. Sale of children, child prostitution and child pornography had three major causes: poverty, socio-cultural discrepancies (often the result of discrimination), and the commercialization and erosion of spiritual values. Sale of children, whether for adoption, employment or sexual exploitation, was rife in most parts of the world. Child prostitution and child pornography were escalating, partly because of the widespread belief that having sex with children contributed to virility and longevity and lessened the risk of HIV-infection, and also to the ready availability of pornography on the Internet.

3. Three potent tools to combat the burgeoning problem were already in place in most countries: the media, education and the judicial system. The media could help instil a sense of responsibility in the broadest possible cross-section of the population in the shortest possible time; education could be used to rebuild shattered civic and spiritual values; and the judicial system could play a role both as a deterrent, through expeditious prosecution of offenders, and in rehabilitation, through sensitive treatment of the victims. The national strategies adopted would vary in the light of each country's specific circumstances.

4. Commercial exploitation of children struck at the most vulnerable members of society, and the Commission must call on all States to accord the issue the highest priority. Children deserved at very least as much attention as was currently paid to preservation of the environment, for a healthy environment counted for nothing if those inhabiting it had been irreparably blighted.

5. Mr. Mba Allo (Gabon), Vice-Chairman, took the Chair.

6. Mr. ELIASSON (Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts), introducing his report (E/CN.4/1996/102), said that although at its second session the working group had not succeeded in reaching agreement on the most central issue, namely, that of the age-limit for direct participation in hostilities, the options available had been considerably narrowed down.

7. The working group continued to be faced with choices on four major issues, the first of which was the age below which no one would be allowed to take a direct part in hostilities. It was now recognized that the age of 15 set by the Convention on the Rights of the Child was too low; the minimum age of 18 recommended by the 26th International Conference of the Red Cross and Red Crescent in December 1995 was acceptable to almost all members of the working group. Those participants reluctant to accept a minimum age of 18 had failed to convince their colleagues of the desirability of setting a lower minimum age or a variable minimum age linked to the differing ages at which a child attained majority in different countries. He hoped that those participants would be able to reconsider their position before the next session of the working group. Meanwhile, the crucial importance of regulating that age-limit was now clear to all.

8. On the second issue, most participants favoured permitting some form of voluntary recruitment of persons below the age of 18, so as to allow the armed forces to be seen as a career option. A clear majority was willing to accept an age-limit of 17 for voluntary recruitment into the armed forces and of 15 for enrolment in schools operated by or under the control of armed forces, provided that those enrolled were not subjected to military training until they reached the minimum age for voluntary recruitment.

9. On the third issue, a clear majority of delegations again favoured a specific minimum age of 18 for recruitment by non-governmental armed groups involved in an armed conflict. One delegation favoured a link with the differing ages at which a child attained majority in different countries, as it did in the case of article 1.

10. On the fourth issue, namely, the role of the Committee on the Rights of the Child in monitoring implementation of the provisions of the protocol, all participants agreed that States parties should include information on implementation in their reports to that Committee. Some suggestions regarding the advisability of including in the protocol provisions giving the Committee greater investigative powers with regard to the protocol than with regard to the Convention itself were contained in paragraph 52 of his report.

11. Faced with a choice between establishing a short optional protocol covering only the three issues on which there was virtual unanimity - namely, an 18-year age-limit for direct participation in hostilities, for compulsory recruitment into armed forces and for recruitment into non-governmental armed groups - or continuing to work towards a protocol covering also the question of voluntary recruitment, the working group had decided strongly in favour of the latter option. It should now be able to complete its work at its proposed third session.

12. Mr. MORA GODOY (Chairman-Rapporteur of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as basic measures needed for their eradication), introducing his report (E/CN.4/1996/101), said that, at its second session, the working group had focused on finding a definition of the offences to be covered by the draft optional protocol, on the need for States to take preventive measures by ensuring that the basic material needs of children and their families were satisfied, and on the need for internal and international legislation to protect children. Bilateral and multilateral cooperation were essential, and extradition had thus proved a highly controversial issue in that connection.

13. He hoped that future meetings of the working group would again be attended by the Special Rapporteur on the sale of children, child prostitution and child pornography and by members of the Committee on the Rights of the Child. Given the breadth of its mandate and the fact that its work was still in its early stages, the proposal to reduce the duration of the working group's sessions made little sense.

14. The debates at its first two sessions had revealed that a long road lay ahead before the working group reached agreement on appropriate measures to combat those phenomena. Yet undue delay in completion of its task would give the impression that the United Nations and Governments were reluctant to draw up international legislation to eradicate those practices, whose proliferation posed a real challenge to the credibility of an organization committed to the protection of the rights of all persons, including children. As long ago as 1988, 1 million children a year had been abducted, sold or forced into the sex market. With less than four years to go before the end of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, the international community had little reason to boast of its achievements in that sphere. An optional protocol should thus be concluded as a matter of urgency, as an expression of collective political will to eradicate those practices.

15. Mr. BAUTISTA (Philippines) noted that in her report (E/CN.4/1996/100) the Special Rapporteur on the sale of children, child prostitution and child pornography had singled out the media as one of three catalysts in the fight against those practices. He was thus pleased to announce that the First Asian Summit on Child Rights and the Media was scheduled to take place in the Philippines in July 1996. His Government was working with non-governmental organizations (NGOs) and the academic community on awareness-raising activities, teaching tools and inclusion of courses on the Convention on the Rights of the Child in law school curricula.

16. His delegation also shared the deep concern expressed by Ms. Graça Machel in her study of the impact of armed conflict on children (E/CN.4/1996/110). The Philippines had adopted legislation prohibiting the recruitment of children under the age of 18 and had joined the call for a total ban on anti-personnel land-mines.

17. The Philippines had been among the first countries to ratify the Convention on the Rights of the Child, participated actively in the inter-sessional working groups on the optional protocols, and had submitted a report to the Committee on the Rights of the Child in 1995. A solid legislative base existed for upholding children's rights and promoting their well-being. A Child Rights Centre had been set up to assist child victims, and the Philippine Plan of Action for Children provided for day-care units in every village. Child health, nutrition and welfare were continuing concerns of the Government, and the goal of universal immunization had been achieved ahead of schedule. Nevertheless, a comprehensive international approach was also called for if all aspects of the protection of children were to be properly addressed. His delegation thus welcomed the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child, as well as his prompt response to the Philippines' request for assistance under that Plan.

18. Mr. TORELLA DI ROMAGNANO (Italy), speaking on behalf of the European Union, the Central and Eastern European countries associated with the Union and the associated countries of Cyprus and Malta, said that further positive action was needed effectively to promote the welfare of the child: reservations to the Convention on the Rights of the Child should be withdrawn, information disseminated and reporting obligations met.

19. Children were among the first casualties of war and he paid tribute to the agencies which were striving to protect them and assist their rehabilitation in peace. Furthermore, in view of the fact that many thousands of children continued to be used as soldiers in armed conflicts and even those who escaped death might still become psychologically damaged and, as adults, perpetuate violence in society, the European Union supported efforts to deal with the issue.

20. Girl children suffered particular discrimination and disadvantages in many parts of the world for cultural, social and religious reasons. Particular attention should therefore be paid to following up the Beijing Platform for Action.

21. No one was indifferent to the plight of street children who faced an uncertain future and some, tragically, a premature death. Marginalized and stigmatized, they were easy targets for abuse because they were regarded as defenceless victims. The European Union applauded the efforts made by NGOs in helping homeless children.

22. The Commission was rightly paying special attention to the question of the sale of children, child prostitution and child pornography - abuses motivated by commercial greed or base sexual gratification. Fortunately

mounting public concern about the sexual abuse of children and sex tourism had prompted government action to combat those violations of children's rights, but much still needed to be done to eradicate problems of that nature.

23. The European Union condemned all extreme forms of child labour which deprived many young people of education and other opportunities of development. He called on all Governments to live up to their commitments under the Convention and to take effective measures to eliminate the exploitation of children. At the same time, international strategies should be devised in the field of juvenile justice and crime prevention.

24. Achievements to date seemed scant if compared with the challenges of the future.

25. Mr. MINOVES-TRIQUELL (Observer for Andorra) explained that his country was giving priority to the Convention on the Rights of the Child, as children were the first stage of the human life cycle. As the education they received would determine the course their lives would take they had to be taught tolerance in order to build a better world. They consequently, needed the cooperation of adults, because information had to be passed down from one generation to another in order to preclude a repetition of past mistakes.

26. Children's bodies should be nourished as well as their minds. In view of the abject poverty in which a vast percentage of children in developing countries lived, practices such as the sale of children, child prostitution and pornography were hardly surprising. Global economic and social development were the keys to the elimination of those scourges. In developed countries where the position was different, but equally serious, closer bonds had to be forged between generations in order to prevent child neglect. The principle which should guide all future action by political leaders throughout the world was "children first".

27. Ms. RAMLI (Malaysia) noted that although the world of children should be one of joy, happiness, learning and growing, many hapless children still suffered hunger, disease and ill-treatment.

28. Welcoming moves to protect the rights of the child, she suggested that the Special Rapporteur on the sale of children, child prostitution and child pornography should address the root causes of child prostitution and neglect in a future report. The sale of children, child prostitution and pornography were closely linked to economic rights and stemmed from social inequality. Malaysia had adopted two acts to protect women and children from such abuses.

29. While tourism was a major source of revenue for many developing countries, it was tragic that special tours were being organized for the sexual exploitation of children. As differences between legal systems had enabled offenders to escape prosecution, laws should be harmonized in order to close loopholes. Similarly, it was totally unacceptable that children should be involved in conflicts as armed combatants. A draft optional protocol to address the issue should therefore be concluded as soon as possible.

30. She was concerned that financial difficulties might hamper the work of the Committee on the Rights of the Child and that of the Centre for Human Rights, especially in view of their increased workload. Nevertheless, she hoped that the Committee would be able to guide the support team mentioned in the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child.

31. Her delegation reiterated its continuing support for all United Nations programmes and activities aimed at improving the lot of children and welcomed the contributions made by NGOs.

32. Mr. PARREIRA (Angola) said that his delegation shared the concern expressed about the maltreatment, exploitation, neglect and sexual abuse of children. Drawing attention to the growth of prostitution and sexual abuse involving children in Africa, he regretted that the report had not focused on that specific problem. Underdevelopment, poverty and worsening living conditions led to human rights violations, which meant that African children - the poorest and least protected in the world - probably accounted for a considerable proportion of the victims of paedophiles, some of whom were sex tourists. He was particularly concerned by reports that prostitution had suddenly increased with the arrival of United Nations peace-keeping troops in certain countries, and urged the Commission to take immediate remedial action.

33. The international community's response to the worldwide deterioration of the rights of the child had been inadequate. After 50 years of human rights activities, frustratingly little had been accomplished to protect children against neglect, cruelty and exploitation. As a sign of the Angolan Government's deep commitment to improving that situation, it had offered to host a major human rights conference in Africa.

34. Mr. PARKER (Chile) said that, despite strenuous national and international efforts to promote full respect of the rights of the child, children were still highly vulnerable. Action was needed to create the economic, social and legal conditions enabling children to develop fully as human beings, since only in that way could firm foundations be laid for the society of the future. Children deserved special protection within the family and society as well as by the international community, since the majority of serious infringements of children's rights resulted from the marginalization experienced by hundreds of millions of social outcasts throughout the world. Children's involvement in armed conflicts was a further brutal infringement of their rights. For those reasons, national and international efforts were urgently required to stamp out poverty and strengthen instruments to ensure that children would be able effectively to enjoy their rights.

35. His delegation was pleased to report the beneficial effects of the policies which his country's successive democratic Governments had pursued in order to promote and protect the rights of the child. Those policies had not only set out to foster economic growth, but also to bring domestic legislation into line with the provisions of the Convention on the Rights of the Child. The situation of indigenous children, who were at particular risk, was

likewise regarded as extremely important. One of the purposes of the Indigenous Peoples Act was to secure recognition of the values, culture, religion, language and customs of indigenous children.

36. His delegation was prepared to participate in all efforts aimed at consolidating the Convention on the Rights of the Child through the drafting of protocols as a means of helping children to enjoy fuller, better lives.

37. Mr. TARRE MURZI (Venezuela) said that, although the international community had been concerning itself with child welfare for 80 years, the plight of innumerable children worldwide had actually worsened. According to the International Labour Organization (ILO), many of its conventions concerning under-age employment and employment of minors in hazardous conditions or in activities injurious to their morals were being flouted in both developed and developing countries. Millions of children were exploited as slaves or paid pitifully low wages. In some countries they were forced into prostitution or worked in the streets. Such children were generally deprived of schooling and vocational training.

38. It was time to convene an international conference of the United Nations and its specialized agencies to address the problem of children employed in conditions that jeopardized their physical and moral integrity and to seek ways of securing compliance with the relevant ILO conventions.

39. His delegation warmly supported the draft resolution submitted by the delegation of Austria concerning human rights in the administration of justice, in particular those of children and juveniles in detention (E/CN.4/1996/L.59).

40. Mr. CHEN Peijie (China) said that her delegation welcomed the establishment of two working groups to draft optional protocols to the Convention on the Rights of the Child, but cautioned against setting up new monitoring mechanisms which might lead to duplication of effort.

41. China had promulgated a series of laws on protection of the rights of the child. Its Outline Programme for Chinese Children's Development in the 1990s set 10 targets to be attained by the end of the century. Preferential measures had been taken on behalf of children of minority nationalities, disabled children and children in rural areas, and orphanages, children's villages and charity programmes had been established.

42. China had also established a network of rehabilitation centres and foster institutions and a wide variety of special education facilities to assist children with mental and physical disabilities. Moreover, special education programmes and curricula were designed to allow disabled children to participate on an equal footing in society.

43. The education of girls at the primary level presented major difficulties in many developing countries, including China. Under the Spring Buds Programme, run by the Children's Foundation of China with government

assistance, a special fund was used to finance schooling for girls and provide free primary education for girls in poverty-stricken areas. In general, China took great pride in its achievements in the area of education, which had attracted worldwide attention.

44. About 80 per cent of minors in China lived in rural areas where living conditions were often harsh, particularly in the frontier and outlying provinces. Protecting their rights and interests would remain a daunting task for some time to come, but the Chinese Government would spare no effort to enhance the quality of their lives.

45. Ms. ESCOBAR (El Salvador) said that, in terms of universality, the leading international instrument was the Convention on the Rights of the Child, which had been acceded to or ratified by 180 States.

46. The number of children killed or seriously injured by anti-personnel mines had reached unacceptable levels. Those who survived would suffer the consequences, both physical and mental, for the rest of their lives. The international community had a moral obligation to redouble its efforts to ensure the eventual elimination of land-mines from the arsenals of the world.

47. It was clear from the Secretary-General's report on the impact of armed conflict on children (E/CN.4/1996/110) that all children's rights were violated in wartime. Her delegation awaited with concern the report of the expert, Ms. Graça Machel, to be submitted to the General Assembly at its fifty-first session.

48. El Salvador had co-sponsored Commission resolution 1995/79 providing for a number of activities aimed at the protection and promotion of children's rights and had participated in the working groups that were drafting optional protocols to the Convention on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography. The working group on the latter set of issues would benefit from the presence at its proceedings of the Special Rapporteur, whose report (E/CN.4/1996/100) she commended.

49. She deplored the fate of children whose rights were being violated solely because their parents happened to be migrants. The Convention on the Rights of the Child was universal and even children whose parents' situation was irregular should not be deprived of such basic rights as the right to education and health.

50. She commended the High Commissioner for Human Rights on the preparation of a Plan of Action to strengthen the implementation of the Convention on the Rights of the Child, and hoped that adequate funds would be made available for its implementation.

51. Mr. AL-HUMAIMIDI (Observer for Iraq) said that, although Iraq had achieved an advanced level of health care for children during the 1970s and the 1980s, its accomplishments had been wiped out since the imposition of

economic sanctions. He referred to a number of reports by the United Nations and the United Nations Children's Fund (UNICEF) that testified to the terrible sufferings of Iraq's children owing to malnutrition, the lack of safe drinking water and shortages of medical equipment and drugs. Infant and child mortality statistics had been steadily deteriorating. The Deputy Regional Director of the World Health Organization for the Eastern Mediterranean region had said at a meeting on 25 March 1996 in Geneva that the health situation in Iraq had been set back 50 years by the economic sanctions.

52. How could Iraq hope to comply with the Convention on the Rights of the Child when the international community was denying its children access to basic health care?

53. Mr. GNONDOLI (Observer for Togo) noted with satisfaction that the Convention on the Rights of the Child had been ratified by almost the entire international community. As one of the most vulnerable groups in society, children should be the first to benefit from available resources, at times of both prosperity and austerity. Instead, millions of children were suffering from poverty, malnutrition, violence, neglect and exploitation.

54. He commended the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1996/100). His country intended to participate actively in the working group on a draft optional protocol to the Convention on that subject. He also commended the work of the Committee on the Rights of the Child and expressed his Government's resolve to assist it in its task.

55. The protection of children, especially in developing countries, depended in large measure on the establishment of a new world economic order. The social problems faced by families in difficult economic circumstances were often the cause of failure to respect children's rights.

56. Mr. BOREL (International Committee of the Red Cross) said that, as an organization engaged in assisting the victims of armed conflicts, the International Committee of the Red Cross (ICRC) was particularly concerned about the fate of children involved in such conflicts. Its action focused on the improvement of legislation and the implementation of practical measures to protect and assist them.

57. With regard to the draft optional protocol to the Convention on the Rights of the Child, ICRC considered it essential to prohibit all forms of direct and indirect involvement of children in armed conflicts. Any qualification regarding the type of child involvement could narrow the scope of the provisions of the Protocol Additional to the Geneva Conventions of 1949 relating to the Protection of the Victims of Non-International Armed Conflicts. In addition, the commitments contained in the draft optional protocol should be respected by "all parties to the conflict", so that all armed groups involved in non-international conflicts were covered. In practice, internal conflicts were those in which children were most frequently involved.

58. The 26th International Conference of the Red Cross and the Red Crescent held in Geneva in December 1995 had adopted a resolution recommending that parties to conflicts should refrain from arming children under 18 years of age and should make every effort to prevent their involvement in hostilities. The International Red Cross and Red Crescent Movement had adopted a plan of action in December to promote the principle of non-involvement and non-recruitment of children under 18 years of age and to protect and assist child victims of armed conflicts.

59. Mr. MALHOTRA (United Nations Educational, Cultural and Scientific Organization) said that the United Nations Educational, Cultural and Scientific Organization (UNESCO) had been involved in drafting the Convention on the Rights of the Child and was currently engaged in its dissemination and implementation.

60. The goals set at the World Summit for Children for the year 2000 included universal access to basic education for at least 80 per cent of children of primary school age and reduction of the adult illiteracy rate to at least half its 1990 level, emphasizing female literacy.

61. UNESCO's Associated Schools Project (ASP), encompassing over 3,500 schools in 125 countries, had focused from the outset on human rights, and a wide range of educational approaches had been developed to promote familiarity with human rights instruments and attitudes and behaviour conducive to respect for human rights. A forthcoming ASP experimental interregional project would address the problem of violence in schools and promote community conflict management.

62. UNESCO had helped to translate the Convention on the Rights of the Child into local languages and it encouraged NGOs to publish and distribute related materials. In 1995 it had launched a series of regional studies on progress in implementation of the Convention, particularly articles 28, 29 and 30, in different countries.

63. UNESCO was addressing the problems of street children and child labour, particularly in Brazil, Mexico, Viet Nam, Palestine and the Philippines. Moreover, it had initiated a pilot project on bonded labour in one of the states of India and had set up a unit responsible for education in emergency situations in Somalia, Bosnia and Herzegovina and Rwanda.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

Statements in exercise of the right of reply

64. Mr. PARREIRA (Angola) said that the affirmation that difficulties might emerge during the implementation of a peace process, namely, in Angola, was

not only an unnecessary tautological exercise, but also a deliberate attempt to manipulate concepts. Such a statement about Angola, which had been completely devastated by an unfair war imposed on its people, was indeed bizarre and raised justifiable doubts about its seriousness. He therefore dismissed the comments about his country made on behalf of the European Union and said his delegation would simply have ignored the statement, were it not for the fact that it offended the dignity of his country as a sovereign State.

65. Mr. ALAEE (Observer for the Islamic Republic of Iran) said his delegation had exercised the utmost restraint in reacting to disparaging remarks made about his Government because it was of the view that rhetoric and polemics should be minimized. For that reason it had refrained from responding to the ludicrous claims made by a group of infamous terrorists based in a neighbouring country and lavishly supported by Western countries; they had misused the Commission by addressing it in the guise of an NGO.

66. However, the statement made earlier that day by the United States delegation could not go unanswered. The United States was hardly in a position to preach on issues such as freedom, tolerance and humaneness in view of its long history of intervention in the internal affairs of States throughout the world and its complicity in the violation of human rights of various peoples. That country's long-standing and sinister interventionist policy towards Iran and its people and support for counter-revolutionary and terrorist organizations was well known. A recent allocation of US$ 20 million by the United States Congress to finance subversive activities inside Iran represented a dubious effort to defend the human rights of the Iranian people.

67. Mr. EGÜZ (Observer for Turkey) said the statement made the previous day by the Observer for Greece was a typical example of the misuse of the Commission for political purposes. Instead of expressing insincere sympathy for the plight of Cypriots, he would have been better advised to recall the discussion, as documented in a book by the former Prime Minister, Andreas Papandreou between his father, also a former Prime Minister of Greece, and the former Archbishop Makarios on the clandestine shipment of Greek troops and arms to Cyprus in 1964. Ten years later, in reference to a coup engineered by Greece, Archbishop Makarios described the coup to the United Nations Security Council (S/PV.1780) as a callous violation of the independence of Cyprus. The historical responsibility for events in Cyprus since 1963 rested squarely with Greece, for they were the product of rash and expansionist policies pursued by its successive regimes. It was the Turkish intervention on 20 July 1974 that had brought about peace and stability in Cyprus. If Greece wished to correct the mistakes of the past it should encourage a negotiated settlement between the two parties concerned, in the framework of the United Nations Secretary-General's good office missions.

68. Greece had grossly misrepresented and distorted the facts about Cyprus, yet maintained legislation that discriminated specifically against some of its own citizens on ethnic grounds, namely, the Turkish minority in Western Thrace. It was difficult to believe that such a situation obtained in a member State of the European Union.

69. Ms. KRISHNA (India) said that her delegation had exercised the utmost restraint during the Commission's proceedings so that substantive issues could be tackled with the seriousness they deserved. However, her Government could not accept the blatant propaganda put about by Pakistan which was obviously aimed at that country's domestic audience, as was clear from the fact that the accusations and criticisms levelled at India in the Commission were published in the Pakistan press the following day. Pakistan was not interested in the promotion and protection of human rights but was rather engaged in a political ploy.

70. Referring to an earlier statement by the Pakistani representative reflecting his country's nervousness about the planned elections in India, including Jammu and Kashmir, she emphasized that those elections would in fact take place and that the true representatives of the people could be elected only by the people themselves.

71. Although Pakistan had claimed progress in its human rights situation, it was common knowledge that intolerance, sectarian strife, discrimination against minorities - sanctioned by constitutional decree - arrests of political opponents, and custodial torture and deaths, were condoned or even justified by the political leaders of that country. That absence of truth pervaded the entire statement of the Pakistani representative and it was time for the members of the Commission to recognize propaganda for what it was.

72. Mr. TANDAR (Observer for Afghanistan) said the statement made by the Pakistani representative the previous evening had been taken largely from a speech by the Ambassador of Pakistan to the Security Council (S/PV/3650 (Provisional)) on 9 April 1996, and his delegation would simply reiterate the response given by the Vice Minister for Foreign Affairs of Afghanistan on that occasion. Pakistan and Afghanistan had no choice but to understand one another because of their close geographic, historical, cultural and religious ties.

73. Mr. ZAKCHEOS (Observer for Cyprus) said the eloquence of the Observer for Turkey could not erase the tragic consequences of that country's aggression and unwelcome occupation of its small, defenceless neighbour. Turkey was one of the worst human rights offenders, within and outside its borders, and the inhuman policies of the Turkish Government had been documented in the Secretary-General's report. There was no justification for genocide, ethnic cleansing or the use of force, in violation of Article 2, paragraph 4 of the Charter of the United Nations and other principles of international law.

74. The Government of Cyprus therefore urged Turkey to implement United Nations resolutions and abandon its expansionist aims so that Turkish Cypriots could put the past behind them and face a future in which everyone, without discrimination, could fully enjoy human rights and prosperity.

75. Cyprus hoped that the Observer for Turkey would report to his Government on the many concerns raised in the Commission about its policies, for the sake of its own people and regional peace.

76. Mr. EL KHAZEN (Observer for Lebanon) said that Israel's bombardment of his country since 11 April 1996 had not only undermined the peace process but also constituted savage aggression, and noted that resistance to Israeli occupation was due to that country's failure to implement international decisions and resolutions.

77. The Lebanese Government could not prevent resistance to occupation, and had repeatedly stated that it was prepared to maintain security and order in southern Lebanon provided that Israel withdrew and implemented Security Council resolution 485 (1981). The Israeli representative's statement was a shameful challenge to the international community and Commission on Human Rights. By its attacks on Lebanon, Israel had violated human rights, international law and the Geneva Conventions.

78. Mr. ZHANG Yishan (China) said that although China's human rights record was not perfect, the verbal attacks of the United States representative could not mask its achievements in the protection of human rights and its relentless efforts to improve the enjoyment of those rights.

79. He drew attention to various glaring human rights violations in the United States, where racial discrimination, homelessness and crime were rampant. With 1.6 per cent of the per capita income of the United States, China's rate of homelessness was only 5 per cent of that in that country. While the United States considered elections, freedom of expression and demonstrations as human rights, his Government regarded food, clothing, education, employment, housing and medical care as the most fundamental of human rights.

80. Referring to an allegation made regarding Tibet, he said the representative of the United States was unaware of the real situation in that region and would be well advised to read China's statement on the subject. The United States should concentrate on solving its own human rights problems before interfering in the affairs of others.

81. Mr. CABALLERO-RODRIGUEZ (Cuba) said that the United States delegation had referred to the shooting down of two aircraft for purely political reasons. The incident was regrettable, but would not have taken place if that country had complied with its international obligations and domestic legislation. The United States had been allowing terrorist pilots to violate Cuban airspace with impunity and with alarming frequency over several years. He said the Concilio group consisted of agents directed and funded by the United States Government and were traitors to their country; such treachery existed in every society. His Government was gratified to note the existence of a silent majority which was gaining strength against the blockade imposed on Cuba and working towards the restoration of normal relations with Cuba.

82. Although certain persons who had enriched themselves through the counter-revolution had tried to foment trouble in the Commission, his delegation had every intention of working seriously and constructively to promote progress.

83. Mr. AL-DORI (Observer for Iraq) said the remarks of the representative of Kuwait had been based on blind contempt and a lack of understanding. Millions were being spent to maintain an embargo against Iraq and its people. There were no political prisoners in Iraq and the thousands of Kuwaitis living in Iraq had been refused permission to return to their country by their own authorities. Iraq reaffirmed its position on disappeared persons and supported the Tripartite Committee responsible for locating missing persons which functioned in accordance with international humanitarian law.

84. The United States Government was directly responsible for the suffering of the Iraqi people. It had dropped more than 100,000 tons of bombs on Iraq and had spent some US$ 15 million on the exercise. More than 1 million people had died during those attacks, and many women, children and elderly persons continued to die as a result of the embargo preventing delivery of essential medical supplies and food.

85. The France Libertés: Fondation Danielle Mitterrand was known for its hostility to Arab countries in general and Iraq in particular. He would welcome proof of what the representative of that NGO considered to be false information and propaganda. Since it claimed it was defending human rights, it should concentrate on the suffering of the Iraqi people.

86. Mr. DARATZIKIS (Observer for Greece) said the Observer for Turkey had tried to divert attention from his country's responsibility for the crisis in Cyprus. In doing so he had repeated the usual allegations about Greece in a hopeless effort to efface the findings of the Commission on Human Rights and numerous United Nations resolutions. Serious problems such as occupation, settlement policy and missing persons could not be solved by shifting blame or by false and groundless arguments, but only by Turkey's implementation of all United Nations resolutions.

87. With reference to the status of the Muslim minority in Thrace, he said it was not surprising that, given all freedoms and guarantees it enjoyed, that minority group was thriving and its number had increased by 40,000 since the signing of the Treaty of Lausanne. By comparison, the performance of Turkey had been rather poor; the number of Greeks living in Istanbul had dwindled from 150,000 in 1923 to 3,500 owing to the practices of the Turkish Government.

88. Mr. M. KHAN (Pakistan) said the Indian representative should have thought twice before criticizing the human rights situation in his country; Pakistan had given free access to human rights mechanisms whereas India had not.

89. The question of Jammu and Kashmir had been raised in the Commission because it was the appropriate forum for the discussion of human rights abuse. The Indian Government had apparently decided to suppress discussion of Kashmir in the Commission, but his own Government preferred to inform the international community of the situation. It was Pakistan's right to protest against atrocities committed by the Indian Government.

90. India, and not Pakistan, was nervous about elections in Kashmir; it wished to conduct the voting process in secrecy. Pakistan, for its part, had requested a plebiscite under United Nations auspices. India wished to use the elections to legitimize its forcible occupation and the Kashmiri people had opposed the holding of what were expected to be fraudulent elections. Repression had therefore escalated in the region. Killings, counter-insurgency, persecution and vandalism were the methods used to force the people into submission, and assassination attempts on the lives of Kashmiri leaders had been masterminded in order to terrorize the population into accepting the elections.

91. The Kashmiri people's struggle was a peaceful movement for the realization of their right to self-determination, and armed resistance was merely a response to Indian repression and terrorism. Kashmiris would win their freedom because it was their alienable right.

92. Mr. RAZZOOQI (Observer for Kuwait) said the remarks made by the Observer for Iraq were completely unfounded. He wondered what Iraq knew about the promotion of human rights, given the dreadful state of affairs in that country. He quoted the Special Rapporteur on Iraq who described the "cruel and unusual punishment" to which the Iraqi people were subjected by a totalitarian system in which there was no rule of law.

The meeting rose at 9.05 p.m.